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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and unilateral coercive measures

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 63/179, in which the Assembly requested the Secretary-General to bring that resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-fourth session, highlighting the practical and preventive measures in that respect. The report summarizes the replies received from Governments in response to a note verbale sent out by the Office of the United Nations High Commissioner for Human Rights.

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I. Introduction

1. In paragraph 14 of its resolution 63/179, the General Assembly requested the Secretary-General to bring that resolution to the attention of all Member States, to continue to collect their views and information on the implications and negative effects of unilateral coercive measures on their populations and to submit an analytical report thereon to the Assembly at its sixty-fourth session, highlighting the practical and preventive measures in that respect.

2. On 9 April 2009, in accordance with paragraph 14 of General Assembly resolution 63/179, the Office of the United Nations High Commissioner for Human Rights sent a request for information to all Permanent Missions to the United Nations. As at 26 June 2009, the Office had received responses from the Governments of Algeria, Angola, Belarus, Costa Rica, Jamaica, Paraguay and the Syrian Arab Republic. A reply from Iraq, submitted in response to both General Assembly resolution 63/179 and Human Rights Council resolution 9/4, is included in the report of the Secretary-General submitted to the Human Rights Council at its twelfth session (A/HRC/12/30).

II. Information received from Member States

Algeria

[Original: French]
[29 May 2009]

The Government stated that unilateral coercive measures were contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States. It further indicated that the adoption of unilateral coercive measures constituted a violation of human rights, in particular of the right to dignified life and the right to development, and a violation of the sovereignty of other States.

The Government underlined that the economic, social and cultural rights of populations guaranteed under the International Covenants on Human Rights were violated by unilateral coercive measures with their negative impact on well-being, development and international cooperation. It also pointed out that unilateral coercive measures created obstacles to free trade relations among sovereign States and as a result impeded full enjoyment of all human rights, as reiterated at the World Conference on Human Rights held in Vienna in 1993.

The Government confirmed that Algeria respected the principles of international law and subscribed to the Charter of the United Nations, the declarations and relevant resolutions adopted by the United Nations and, in particular, to General Assembly resolution 63/179 on human rights and unilateral coercive measures. The response also indicated that with respect to the sovereignty, equality and non-interference in domestic affairs of other States, the right of all peoples to self-determination and their free choice of their political, economic and cultural system constituted the core principles of the foreign policy of Algeria.

The Government was of the view that unilateral coercive measures were not favourable to peaceful and friendly international relations and deprived peoples of

their inalienable right to development. The extraterritorial application of national laws disturbed international peace and security. The Government also requested the Secretary-General to give special attention to the implementation of resolution 63/179 in the light of the universality, indivisibility, interdependence and interrelatedness of human rights, including the right to development.

Angola

[Original: English]
[19 May 2009]

The Government confirmed that the Constitution of Angola did not permit Angola to apply unilateral coercive measures against any country. Angolan foreign policy did not support nor did it apply unilateral coercive measures.

The Government stated that unilateral coercive measures could have a negative impact in the field of human rights, development, international relations, trade, investment and cooperation. It cautioned that the use of international organizations such as the World Bank and the International Monetary Fund with the purpose of manipulating internal affairs of States and using them as instruments of political pressure or global governance should be avoided.

The Government considered that States should refrain from adopting or implementing unilateral measures not in accordance with international law, international humanitarian law and the Charter of the United Nations. In particular, unilateral measures of a coercive nature with extraterritorial effects, which created obstacles to trade relations among States and impeded the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right to development, should be avoided.

The Government expressed its concern over the continued use of unilateral coercive measures by certain powers as tools of political or economic pressure against any country, particularly against developing countries, with a view to preventing those countries from exercising their right to decide of their own free will, their own political, economic and social systems. The Government was of the view that such acts should be condemned by the international community for their negative effects on the realization of human rights.

Belarus

[Original: English]
[29 May 2009]

The Government stated that it rejected unilateral coercive measures of an economic or political nature. Such measures contradicted the founding principles and norms of international law and were unacceptable in the context of civilized international relations.

Belarus called on the General Assembly not to lose sight of the problem of the application of unilateral coercive measures and to react immediately to any unlawful actions by States that were contrary to international law and the Charter of the United Nations.

Costa Rica

[Original: Spanish]
[20 May 2009]

Costa Rica indicated that, as a State member of the World Trade Organization, it respected and fulfilled the principles that governed that organization, including the rejection of unilateral coercive economic measures. As a State Member of the United Nations, Costa Rica respected international law, favoured the freedom of international trade and would endorse a limitation to such freedom only if it were imposed in accordance with international law and within the framework of the United Nations or the World Trade Organization.

Jamaica

[Original: English]
[28 May 2009]

Jamaica confirmed that it had not adopted any unilateral measures that were not in accordance with international law or the Charter of the United Nations. Jamaica remained opposed to the adoption of such measures as they impeded the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments.

The Government was of the view that in addition to being contrary to the principles of international law, unilateral coercive measures also contravened the sovereign equality of States, non-interference in the internal affairs of States and peaceful coexistence. The Government reiterated the call made by the General Assembly urging all States that had and continued to apply such measures to take the necessary steps to repeal or invalidate them as soon as possible.

Paraguay

[Original: Spanish]
[9 July 2009]

Paraguay indicated that for years there had been a tendency to increase unilateral restrictive measures at all levels of multilateral and regional economic and trade relations, which was affecting trade flows and distorting inter-State relations. Paraguay had never resorted to or provoked unilateral coercive measures in its multilateral and regional relations. However, Paraguay informed that it had suffered repeatedly the negative effects of those types of measures in its regional relations, mainly in the form of trade restrictions imposed on border areas by its neighbouring countries.

The Government was of the view that unilateral restrictive measures imposed at regional level caused unfair competition among partners and impeded the objective of regional integration, development and economic growth. Such measures had caused retaliation, undermined bilateral relations among States and negatively affected the development of the countries concerned. In multilateral relations, especially with the United States of America and the European Union, such measures were an important obstacle to the conclusion of trade agreements.

Paraguay noted that it was a part of the Mercado Común del Sur (MERCOSUR), which in spite of guaranteeing free movement of goods and services, still demonstrated lack of equitable treatment between the parties due to the application of unilateral restrictive measures. The development policy of Paraguay was defined to a great extent by MERCOSUR. Thus, the unilateral coercive measures that most affected Paraguay were those imposed by the partners of MERCOSUR. The Government urged that a responsive mechanism be identified to solve the problems arising from the application of non-tariff restrictions to regional trade.

Paraguay emphasized that the unilateral imposition of economic or trade sanctions, or other types of measures used as a means of political pressure employed by highly developed countries or by economically independent countries, was incompatible with international law, the Charter of the United Nations and major international instruments. Those measures were contrary to the principles of free trade and development, rendering the population the victim. The imposition of such measures was the principal cause of limited access to foreign markets and facilitated economic recession and created unemployment, inflation and general impoverishment.

Syrian Arab Republic

[Original: English]
[26 May 2009]

The Syrian Arab Republic rejected unilateral coercive measures, in particular the law enacted by the Congress of the United States against the Syrian Arab Republic, known as the "Syria Accountability Act". It considered that Act to be a violation of international law, reflecting negatively on the exercise of the right to development.

The Government indicated that it enjoyed the broad support of the Non-Aligned Movement and the Organization of the Islamic Conference (OIC), who had expressed their deep concern over the unilateral sanctions imposed on the Syrian Arab Republic by the United States. It further stated that the Non-Aligned Movement and OIC considered the Act to be a violation of international law and United Nations principles, as well as setting a serious precedent in dealing with independent States.